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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

No. 649

BEN F. RAY, AS CHAIRMAN OF THE STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA,

Petitioner,

vs.

EDMUND BLAIR,

Respondent

MOTION TO RETAX COSTS

Now comes Edmund Blair, the respondent in the above styled cause and respectfully shows unto the court that costs have been taxed against the respondent as follows:

Clerk's costs	$299.52
Printing of record	644.99
Total	$944.51

Respondent further shows that there are approximately one hundred six (106) printed pages of the transcript of the record in this cause that should have been omitted from the printed record because matter not essential to a consideration of the questions presented by the petition for the writ

of certiorari are included therein, said matter appearing on pages 14 to 19, inclusive, beginning with the words "in the Circuit Court of Jefferson County" on page 14 and ending with the words, "filed in open court the 3rd day of February, 1952", on page 19, the matter included being a motion for continuance and a motion to quash summons; also a demurrer to petition as last amended beginning on page 21 of the record down to and including the words "filed in open court this 2nd day of February, 1952", on page 34 of the record; also the transcript of the evidence set out on pages 55 to 137 of the record where the words, "the foregoing was all the evidence in the case" appear on said page; also appellant's assignment of errors on pages 153, 154, 155, 156, 157 and 158 of the record.

Respondent avers that said unnecessary parts of the record were printed without affording him any effort whatsoever to stipulate to omit them from the printed record; that had he been afforded an opportunity to do so he would have stipulated that said printed matter might be omitted from the record because not essential to the consideration of the questions presented by the petition for certiorari.

Respondent avers that when he was served with a copy of the petition for certiorari the printing of the record was either under way or had been completed.

WHEREFORE, respondent moves the court to retax the costs of printing the record and retax the clerk's costs as provided for in paragraph 8 of Rule 38 of this Honorable Court.

HORACE C. WILKINSON,
Attorney for Edmund Blair.

STATE OF ALABAMA,
Jefferson County:

Personally appeared before me the undersigned authority in and for said county in said state Horace C. Wilkinson who being by me first duly sworn deposes and says that he is attorney for Edmund Blair and as such is authorized to make this affidavit and that the facts stated in the foregoing motion are true.

HORACE C. WILKINSON.

Sworn to and subscribed before me on this the 9th day of April, 1952.

MRS. JAUN[illegible]A KNOX,
Notary Public.

(1317)